

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of AMBER SMITH, BRADLEY  
SMITH, HOLLY SMITH, and EMILY SMITH  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HEATHER M. SMITH,

Respondent-Appellant,

and

ADAM M. SMITH,

Respondent.

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In the Matter of AMBER SMITH, BRADLEY  
SMITH, HOLLY SMITH, and EMILY SMITH,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ADAM J. SMITH,

Respondent-Appellant,

and

HEATHER M. SMITH,

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UNPUBLISHED

August 26, 2004

No. 252136

Calhoun Circuit Court

Family Division

LC No. 01-004886-NA

No. 252298

Calhoun Circuit Court

Family Division

LC No. 01-004886-NA

Respondent.

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Before: Hoekstra, P.J. and Cooper and Kelly, JJ.

MEMORANDUM.

Respondents appeal of right from the trial court order terminating their parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The court also did not clearly err in finding that termination of respondents' parental rights was not contrary to the best interests of the minor children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353, 356-357; 612 NW2d 407 (2000).

Respondents' four minor children were brought to the attention of the court because respondents were abusing drugs, specifically oxycontin, respondents had sold all of their furniture to buy drugs and were using the drugs in front of the minor children, the four minor children all slept in one lazy boy chair, the home was dirty, and there was no food. Respondents were required to address their drug problem, obtain and maintain employment, and obtain suitable housing.

The court determined that the statutory grounds had been established because, after two years and many chances, respondents did not have employment, although they both had worked for a period of time, and they had not obtained suitable housing. Respondents had many excuses, including the fact that maintaining employment, complying with drug screens and counseling, and looking for adequate housing was impossible for them to do. While the court found that respondents loved their children and had established a bond with them, the court was unable to find that it was in the best interests of the minor children not to terminate parental rights. Moreover, respondents' love for their children did not overcome the fact that they were unable to provide for even the most basic needs of children, such as shelter and food.

Although respondents contend that the court-ordered requirements of their service plan did not address their needs, the requirements were appropriate under the circumstances. Respondents needed to address their drug problem, obtain and maintain gainful employment, and obtain suitable housing. These are necessary requirements in order to take care of the basic needs of their minor children.

Affirmed

/s/ Joel P. Hoekstra  
/s/ Jessica R. Cooper  
/s/ Kirsten Frank Kelly